

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

MUHAMMAD EJAZ AHMAD,
MUHAMMAD NAWAZ AHMAD, and
MOHAMMAD TANVEER,

Defendants.

x **06 CRIM. 1135**

: INDICTMENT

: O6 Cr.

:

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x

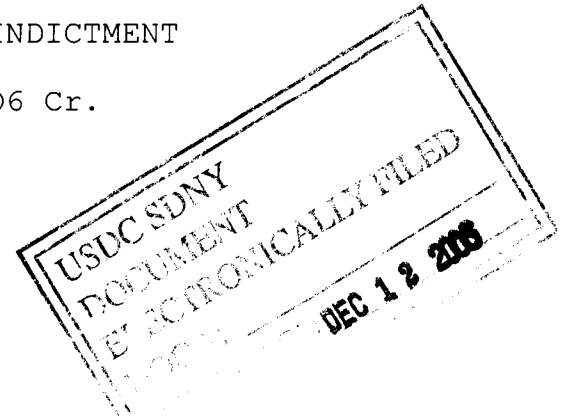
COUNT ONE

(Conspiracy to Pay Illegal Kickbacks)

The Grand Jury charges:

1. From in or about January 2004 up to and including
en or about August 29, 2006, MUHAMMAD EJAZ AHMAD, MUHAMMAD NAWAZ
AHMAD, and MOHAMMAD TANVEER, the defendants, and others known and
unknown, unlawfully, willfully, and knowingly did combine,
conspire, confederate, and agree together and with each other to
commit offenses against the United States.

2. It was a part and an object of the conspiracy that
MUHAMMAD EJAZ AHMAD, MUHAMMAD NAWAZ AHMAD, and MOHAMMAD TANVEER,
the defendants, and others known and unknown, unlawfully,
willfully, and knowingly, would and did offer and pay
remuneration (including kickbacks, bribes, and rebates), directly
and indirectly, overtly and covertly, in cash and in kind to a
person to induce such person to purchase, lease, order, and
arrange for and recommend purchasing, leasing, and ordering a



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good, facility, service, and item for which payment may be made in whole and in part under a Federal health care program, in violation of 42 U.S.C. § 1320a-7b(b)(2)(B).

Overt Acts

3. In furtherance of this conspiracy, and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about December 22, 2005, MUHAMMAD EJAZ AHMAD, the defendant, paid a kickback of \$40 to an undercover officer whom EJAZ AHMAD believed to be an HIV positive Medicaid patient in Brooklyn, New York.

b. On or about December 23, 2005, EJAZ AHMAD provided medications and paid a kickback of \$40 to an undercover officer whom EJAZ AHMAD believed to be an HIV positive Medicaid patient in Brooklyn, New York.

c. On or about April 26, 2006, MOHAMMAD TANVEER, the defendant, provided prescription medications and paid a kickback of \$40 to an undercover officer whom TANVEER believed to be an HIV positive Medicaid patient in Queens, New York.

d. On or about August 29, 2006, MUHAMMAD NAWAZ AHMAD, the defendant, provided medications and paid a kickback of

\$40 to an undercover officer whom NAWAZ AHMAD believed to be an HIV positive Medicaid patient in Bronx, New York.

(Title 18, United States Code, Section 371.)

COUNT TWO

(Conspiracy to Commit Health Care Fraud)

The Grand Jury further charges that:

4. From in or about January 2004 up to and including on or about August 29, 2006, MUHAMMAD EJAZ AHMAD, MUHAMMAD NAWAZ AHMAD, and MOHAMMAD TANVEER, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States.

5. It was a part and an object of the conspiracy that MUHAMMAD EJAZ AHMAD, MUHAMMAD NAWAZ AHMAD, and MOHAMMAD TANVEER, the defendants, and others known and unknown, unlawfully, willfully, and knowingly, and with intent to defraud, would and did execute and attempt to execute a scheme and artifice to defraud a health care benefit program, and to obtain, by means of false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, a health care benefit program, in connection with the delivery of and payment for health care benefits, items, and services, in violation of Title 18, United States Code, section 1347.

Overt Acts

6. In furtherance of this conspiracy, and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about December 22, 2005, MUHAMMAD EJAZ AHMAD, the defendant, paid a kickback of \$40 to an undercover officer whom EJAZ AHMAD believed to be an HIV positive Medicaid patient in Brooklyn, New York.

b. On or about December 23, 2005, EJAZ AHMAD provided medications and paid a kickback of \$40 to an undercover officer whom EJAZ AHMAD believed to be an HIV positive Medicaid patient in Brooklyn, New York.

c. On or about April 26, 2006, MOHAMMAD TANVEER, the defendant, provided prescription medications and paid a kickback of \$40 to an undercover officer whom TANVEER believed to be an HIV positive Medicaid patient in Queens, New York.

d. On or about August 29, 2006, MUHAMMAD NAWAZ AHMAD, the defendant, provided medications and paid a kickback of \$40 to an undercover officer whom NAWAZ AHMAD believed to be an HIV positive Medicaid patient in Bronx, New York.

(Title 18, United States Code, Section 1349.)

COUNT THREE

(Aggravated Identity Theft)

The Grand Jury further charges:

7. From in or about August 2004 up to and including in or about April 2005, in the Southern District of New York, MUHAMMAD EJAZ AHMAD, MUHAMMAD NAWAZ AHMAD, and MOHAMMAD TANVEER, the defendants, during and in relation to the offense charged in Count Two of this Indictment, unlawfully, willfully, and knowingly, did transfer, possess, and use, without lawful authority, a means of identification of another person, to wit, EJAZ AHMAD obtained the names, dates of birth, and medicaid numbers of numerous persons and then EJAZ AHMAD, NAWAZ AHMAD, and TANVEER used that information in connection with the offense charged in Count Two.

(Title 18, United States Code, Sections 1028A and 2.)

FORFEITURE ALLEGATION

AS TO COUNTS ONE, TWO, AND THREE

8. As the result of committing the federal health care fraud offenses alleged in Counts One, Two and Three of this Indictment, MUHAMMAD EJAZ AHMAD, MUHAMMAD NAWAZ AHMAD, and MOHAMMAD TANVEER, the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(7), all property, real and personal, that constitutes or is derived, directly or indirectly,

from gross proceeds traceable to the commission of the offenses, including but not limited to:

a. A sum of money representing the amount of gross proceeds obtained as a result of the said offenses, for which the defendants are jointly and severally liable;

b. The contents of Chase account number 106 067 681 865, held in the name of ASA Drugs;

c. The contents of Chase account number 106 067 626 065, held in the name of Nash Pharmacy; and

d. The contents of Chase account number 106 067 626 065, held in the name of Stay Slim Pharmacy.

Substitute Asset Provision

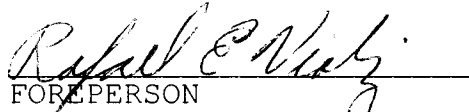
9. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

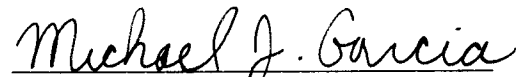
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C.

§ 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 371, 982, 1028A, and 1349.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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Defendants.

INDICTMENT

06 Cr.

(18 U.S.C. §§ 371, 1349, 1028A, and 2.)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

Rafael E. Nizich
Foreperson.

12/12/06
✓
Filed Indictment. Case assigned to Judge Koeltl

Pitman
U.S.M.J.